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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,441	08/17/2001	Richard A. Vaughan	EXIN117646	3493
26389	7590	08/16/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			BACKER, FIRMIN	
1420 FIFTH AVENUE				
SUITE 2800				
SEATTLE, WA 98101-2347			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,441

Applicant(s)

VAUGHAN ET AL.

Examiner

FIRMN BACKER

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-89 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (U.S. PG Pub. No. 2002/0082956) in view of Thomas et al. (U.S. PG Pub No. 2004/0254835).
4. As per claim 1, Peterson et al teach a method for processing an available inventory item query corresponding to inventory defined by stock-keeping unit (SKU) information (*item number*), the SKU information including at least one SKU record defining a first level of detail for the inventory item, and a SKU inventory record corresponding to the SKU record (*quantity of an item*) and defining a second level of detail (*preferably price*) for the inventory items (*see paragraphs 0035, 0036, 0042*) the method comprising: obtaining an available inventory query (*inventory search interface*), the query including a set of criteria (*see figs 9, paragraphs 0096, 00102, 00103*) determining at least one inventory item matching the query criteria, the inventory

Art Unit: 3621

item corresponding to at least one SKU and SKU inventory record; and transmitting data (*displaying to the user*) associated with the matching SKU and SKU inventory records (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*). Peterson et al fail to teach a method wherein the at least one SKU record includes information corresponding to a type of inventory item and wherein the at least one SKU inventory record includes information corresponding to an instance of the type of inventory item identified in the SKU record. However, Thomas et al teach a method wherein the at least one SKU record includes information corresponding to a type of inventory item and wherein the at least one SKU inventory record includes information corresponding to an instance of the type of inventory item identified in the SKU record (*see paragraphs 0011*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson et al's invention to include Thomas et al's method wherein the at least one SKU record includes information corresponding to a type of inventory item and wherein the at least one SKU inventory record includes information corresponding to an instance of the type of inventory item identified in the SKU record because this would have facilitated upon a customer purchasing an item of merchandise for the system to interpret the UPC and/or SKU number comprised item information, accesses the database to determine the price for each item, and maintains a running total of the total transaction price

5. As per claim 2, Peterson et al teach a method wherein determining at least one inventory item includes identifying all inventory items matching the query criteria, wherein each identified inventory item corresponds to a SKU and SKU inventory record (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*).

6. As per claim 3, Peterson et al teach a method wherein determining at least one inventory item includes applying a supplier limitation of use to select a corresponding SKU and SKU inventory record (*see figs 9, paragraphs 0096, 00102, 00103*).

7. As per claim 4, Peterson et al teach a method wherein determining at least one inventory item includes applying a consumer selection limitation of use to select a corresponding SKU and SKU inventory record (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*).

8. As per claim 5 and 13, Peterson et al teach a method further comprising processing the data associated with the identified SKU and SKU inventory records prior to transmitting the data (*see figs 9, paragraphs 0096, 00102, 00103*).

9. As per claim 6, 7, Peterson et al teach a method wherein processing the data includes generating a price corresponding to the set of query criteria, ordered list of prices for one or more inventory items (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*).

10. As per claim 22, Peterson et al teach a method wherein the available inventory query is a user-specified, available inventory query (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

11. As per claim 23, Peterson et al teach a method wherein the SKU information includes a SKU group record defining a third level of detail, and wherein the SKU and SKU inventory records correspond to the SKU group (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*)..

12. As per claim 24, Peterson et al teach a computer-readable medium having computer-executable instructions operable for performing the method recited in any one of claims 1-23 (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*).

13. As per claim 25, Peterson et al teach a computer system having a processor, a memory, and an operating environment, the computer system operable for performing the method recited in any one of claims 1-23 (*see figs 9, 9A, paragraphs 0107, 0156, 0210, 0242*).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8-12, and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. PG Pub. No. 2002/0082956) in view of Thomas et al (U.S. PG Pub. No. 2002/0082956) in further view Murch et al (U.S. PG Pub. 2002/0173996).

16. As per claims 8-12, The combination of Peterson et al and Thomas et al fails to teach a method wherein processing the data includes applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use. However, Murch et al teach a method wherein processing the data includes applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use (*see figs 2, 3, 13-19, paragraphs 0011, 0012, 0033, 0054*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify The combination of Peterson et al and Thomas et al disclosure to include Murch et al a method wherein processing the data includes applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use because this would have provided and asynchronous booking with an inventory search query from a consumer. A list of possible travel inventory selections that could be retrieved in response to the search query and presented to the consumer on a client device then respond to the limited availability request by accessing the inventory server and returning an availability response as to whether that particular piece of travel inventory is available at the specified dates and/or times.

17. As per claims 14-21, The combination of Peterson et al and Thomas et al fail to teach a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car. However,

Art Unit: 3621

Murch et al teach a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car (*see figs 2, 3, 13-19, paragraphs 0011, 0012, 0033, 0054*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify The combination of Peterson et al and Thomas et al disclosure to include Murch et al a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car because this would have provided an asynchronous booking with an inventory search query from a consumer wherein a list of possible travel inventory selections that could be retrieved in response to the search query and presented to the consumer on a client device then respond to the limited availability request by accessing the inventory server and returning an availability response as to whether that particular piece of travel inventory is available at the specified dates and/or times.

18. As per claims 26-89, they disclose the same invention concept as claims 1-25 and do not further limit the scope of the invention. Therefore, they are rejected under the same rational as claims 1-25.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

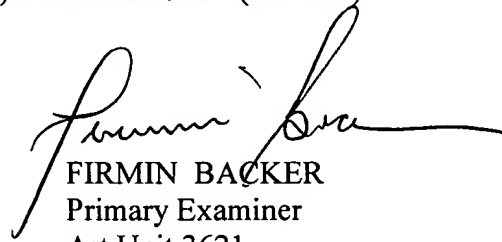
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMIN BACKER
Primary Examiner
Art Unit 3621

August 11, 2006